THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 18194 of 2005

Dated 26-10-2005

Between:

Shri K. Narayana Reddy and 6 others. .. Petitioners

AND

Government of Andhra Pradesh

Rep. By its Secretary, Irrigation Department,

Secretariat, Hyderabad and four others. .. Respondents

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 18194 of 2005

O R D E R:

Heard the learned counsel for the petitioners, Smt. K.Bindu and the learned Government Pleader for Irrigation appearing for respondents.

The petitioners, seven in number, claim to be the tail end ayacutdars of Distributory No.30 of the Rajolibanda Diversion Scheme. It is stated that in order to supplement the short fall of water, the Government of Andhra Pradesh in the year 2004 extended Jurala Right Main Canal of the Priyadarshini Jurala Project and linked it with the RDS canal. Distributory No.30 which takes off at 113.00 km., main canal serves the ayacut of 3,625 acres in Manavapadu and other villages. However, due to short supply of water to the RDS main canal, the situation of the tail end ayacutdars of Distributory No.30 has been steadily worsened and consequently they made a representation in the month of July 2005 for excavation of a link channel from RDS main canal at 117.30 km to join the Distributory No.30. Having considered the same in detail, the Government issued G.O.Ms.No.113, dated

02-07-2005 granting administrative sanction for excavation of link channel as requested by the petitioners. While so, even before the said work was taken up, the impugned G.O.Ms.No.145 dated
02-08-2005 was passed under which the administrative sanction granted under G.O.Ms.No.113 dated 02-07-2005 has been cancelled on the ground of administrative exigency. Questioning the same this writ petition is filed.

Learned counsel for the petitioners submits that the request made by the petitioners was under consideration for more than a year and after taking into consideration all the relevant aspects, the administrative sanction was granted on 02-07-2005, and therefore, the action of the respondents in cancelling the said order without assigning any reasons is arbitrary and illegal.

In the counter-affidavit filed by the fourth
respondent-Executive Engineer, RDS on behalf of the respondents, it is stated as under:

" It is submitted that the Government have desired to review the matter at the request of the ayacutdars under D/31A to D/40 and peoples representatives and felt that there is a need to take an appropriate decision in the matter by re-examining the whole issue. Till such time in order to create confidence among the ayacutdars of D/31A to D/40 the G.O.Ms.No.113, Dt.02-07-2005 was cancelled in G.O.Ms.No.145, Dt.02-08-2005.

It is submitted that the Government is empowered to review or to cancel any G.O. issued earlier. However, the Government have requested the Engineer in chief (Irrigation) to re-examine the matter in detail and report to the Government vide Govt. Memo No.16649/Maj. Irrigation-VIII/02/ 04-05, Dt.05-08-2005, and the matter is under examination. After receipt of the report from the Engineer in Chief, Irrigation, necessary orders will be issued."

From the above averments in the counter-affidavit, it is clear that the impugned order is not a final decision, but the matter is still under examination by the Engineer-in-Chief, Irrigation.

Learned Government Pleader, across the bar, states that the Government will take appropriate decision as soon as they receive the report from the Engineer-

in-Chief.

In the circumstances, no adjudication is necessary on merits.

Accordingly, recording the statement of the respondents that appropriate decision will be taken as soon as the report from the Engineer-in-Chief, Irrigation, is received, the writ petition is disposed of with a direction to the respondents to take such decision as expeditiously as possible preferably within a period of three months from the date of receipt of a copy of this order. No costs.

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G.ROHINI,J

26-10-2005

klp/ghn